

Town Board Minutes

**Meeting
No. 12**

Regular Meeting

May 1, 1995

MEETINGS TO DATE 12
NO. OF REGULARS 9
NO. OF SPECIALS 3

LANCASTER, NEW YORK
MAY 1, 1995

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 1st day of May 1995 at 8:00 P.M. and there were

PRESENT: ROBERT H. GIZA, COUNCIL MEMBER
DONALD E. KWAK, COUNCIL MEMBER
PATRICK C. POKORSKI, COUNCIL MEMBER
THOMAS H. VAN NORTWICK, COUNCIL MEMBER
LUCIAN J. GRECO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
ROBERT H. LABENSKI, TOWN ENGINEER
JOSEPH F. REINA, TOWN ATTORNEY
ROBERT L. LANEY, BUILDING INSPECTOR
THOMAS E. FOWLER, CHIEF OF POLICE
JOHANNA M. COLEMAN, RECEIVER OF TAXES

EXECUTIVE SESSION:

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 9:30 P.M. to deliberate in Executive Session for the announced purpose of discussing a personnel matter.

At 10:30 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

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THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER VAN NORTWICK, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board held on April 24, 1995 and the Joint Meeting of the Town Board and the Planning Board held April 25, 1995, and be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

File: R.MIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has previously filed with the Erie County Department of Personnel Form PO-17 "New Positions Duties Statement" for the purpose of obtaining the appropriate service title for the anticipated position of Building and Zoning Clerk, full time, in the Building and Zoning Department of the Town of Lancaster, and

WHEREAS, the Erie County Department of Personnel has indicated that the appropriate title for this position is Building and Zoning Clerk, full time,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby creates the position of Building and Zoning Clerk, full time, in the Building and Zoning Department of the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and execute Section 8 of Form PO-17 (New Position Duties Statement) indicating that the position of Building and Zoning Clerk, full time, in the Building and Zoning Department of the Town of Lancaster has been created, and

BE IT FURTHER

RESOLVED, that JEAN M. CONKLIN, 77 Harvey Drive, Lancaster, New York 14086 be and is hereby appointed, effective May 1, 1995, to the full time position of Building and Zoning Clerk in the Building and Zoning Department of the Town of Lancaster, at a salary of \$24,359.00 for the year 1995, and

BE IT FURTHER

RESOLVED, that said position is a Civil Service position and will require an exam, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER VAN NORTWICK, TO WIT:

WHEREAS, by resolution dated January 4, 1993, KIMBERLY A. KANCAR was appointed provisionally to the full time position of Youth Counselor with the Youth Bureau of the Town of Lancaster, pending passing of a civil service examination for said position, and

WHEREAS, the Personnel Office of the County of Erie has informed the Supervisor of the Town of Lancaster that KIMBERLY A. KANCAR has successfully passed a civil service examination for this position, and

WHEREAS, it is the desire of the sponsor of this resolution to appoint KIMBERLY A. KANCAR to the permanent civil service position of Youth Counselor in the service of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that KIMBERLY A. KANCAR be and hereby is appointed to the permanent civil service position of Youth Bureau with the Youth Bureau of the Town of Lancaster, effective May 1, 1995 at a salary as set forth in the 1995 Schedule of Salaries, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Office of the Town of Lancaster to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

File: R.PERS.CREATE.ABOLISH (P5)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY SUPERVISOR
GRECO, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Windsor Ridge Subdivision, Phase II, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Windsor Ridge Subdivision, Phase II, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 369 - Water Line
P.I.P. No. 370 - Storm Sewers
P.I.P. No. 371 - Detention Basin
P.I.P. No. 372 - Pavement and Curbs
P.I.P. No. 373 - Supplemental Pavement and Curbs

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of an "Application For Permit To Construct A Public Improvement" for both street lights and sidewalks within this subdivision said application encompassing the area of the Public Improvements accepted herein, or greater area at the option of the developer.
2. Receipt by the Town Clerk, within 45 days, of deeds, easements title report, title insurance and bill of sale to the improvements for the property conveyed to the Town of Lancaster.
3. Receipt by the Town Clerk, within 45 days, of maintenance bonds for each of the improvements accepted herein in the principal amount of 25% of the value of the improvements accepted. The bonds shall run for a term of two years commencing with the date of adoption of this resolution, and
4. That the developer execute an agreement with the Town of Lancaster obligating the developer to complete the top course of pavement under P.I.P. Nos. 372 and 373 before June 1, 1995 and secure said agreement with a \$25,000.00 performance security deposit with the Town Clerk.

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED NO
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to repeal, in its entirety, Chapter 4 - "Auto Wrecking and Junkyards" of the Code of the Town of Lancaster, and to enact a Local Law of the Year 1995, entitled, "JUNKYARDS", and further designated as Chapter 4 of said Code, which reads as follows:

LICENSING OF JUNKYARDS

CHAPTER 4
JUNKYARDS

Proposed

Local Law No. __
1995

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER BY DELETING AND REPEALING IN ITS ENTIRETY, CHAPTER 4 THEREOF, "AUTO WRECKING AND JUNKYARDS", AND REPLACING IT WITH A NEW CHAPTER 4, TO BE ENTITLED, "JUNKYARDS", WHICH CHAPTER WILL PROVIDE FOR LICENSES TO BE ISSUED BY THE TOWN BOARD, PROCEDURES FOR ISSUING THE LICENSES, COLLECTING FEES, SUSPENDING OR REVOKING LICENSES AND PROVIDING PENALTIES FOR VIOLATIONS OF THE CHAPTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

Section 1.

The Code of the Town of Lancaster is hereby amended by deleting and repealing Chapter 4, "Auto Wrecking and Junkyards".

Section 2.

The Code of the Town of Lancaster is hereby amended by adding thereto a new chapter, to replace Chapter 4, hereinabove repealed, to be Chapter 4, "Junkyards", to read as follows:

- 4-1. Legislative intent.
- 4-2. Definitions.
- 4-3. License required.
- 4-4. Application for license.
- 4-5. Hearing.
- 4-6. Location restrictions.
- 4-7. Grant or denial of application.
- 4-8. License year.
- 4-9. License fees.
- 4-10. Renewal.
- 4-11. Renewal hearing.
- 4-12. Appeal
- 4-13. Injunctive relief.
- 4-14. Enforcement.
- 4-15. Violations.
- 4-16. Established junkyards.
- 4-17. Severability
- 4-18. Effective date.

- 4-1. Legislative intent.

This Local Law is enacted pursuant to the authority granted in Section 10 of the Municipal Home Rule Law of the State of New York, wherein a municipality may adopt local laws relating to property, affairs and government of the Town and shall be known as Local Law No. of the year 1995, entitled: "Junkyards", and shall provide for a clean, wholesome, attractive environment which is of importance to the health and safety of the inhabitants of the Town, and the safeguarding of their material rights against unwarranted invasion, and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town and the general welfare of its inhabitants.

It is further declared that the unrestrained accumulation of junkyards is a hazard to such health, safety and welfare of the inhabitants necessitating the regulation and restraint thereof. It is also noted that there presently exists four junkyards within the Town. It is the intent of this local law to strike a balance between the protection of the health, safety and welfare of the town's inhabitants and the legitimate and necessary business of junkyards.

4-2. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

TOWN - The Town of Lancaster, excluding the area of the Village of Lancaster and that portion of the Village of Depew lying within the Town of Lancaster.

PERSON - Any person, company, corporation or other business entity.

MOTOR VEHICLE - All vehicles designed to be propelled or drawn by power other than muscular power originally intended for use on public highways.

JUNKYARD - Any place for the storage or deposit, whether in connection with another business or not, of used motor vehicles intended to be wrecked or junked, or stored as wrecked or junked motor vehicles; iron, steel or nonferrous scrap, where such items, or any of them, are held for the purpose of resale, dismantling parts therefrom for resale, or reclaiming for use some or all of the material therein. The term shall include any place for the storage or deposit, for any such purposes, of used parts or waste materials from motor vehicles.

4-3. License required.

No person shall own, lease, operate, establish or maintain a junkyard until he has obtained a license to operate a junkyard.

4.4. Application for license.

Application for the license shall be made in writing to the Town Board, and shall be filed with the Town Clerk. The applications shall comply with the Town's site plan review process and any rules and regulations promulgated thereunder.

4-5. Hearing.

- A. A public hearing on the application shall be held before the Town Board. Notice of the public hearing shall be given to the applicant in writing and shall be published once in the official newspaper of the Town, which publication shall not be less than ten days before the date of the hearing.
- B. At the time and place set for hearing the Town Board shall hear the applicant and all other persons wishing to be heard upon the application.

4-6. Location restrictions.

- A. No junkyard shall be located closer than 1,000 feet from a residential zone, and /or any residence, school, public park place of worship, or other place of public assembly.

- B. No junkyard shall be located within 100 feet of a public thoroughfare.
- C. The junkyard shall be completely surrounded with a fence, the type and height of which shall be such as in the opinion of the Town Board, will substantially screen the junkyard operation on all sides thereof.
- D. All motor vehicles and parts, and scrap thereof, stored or deposited at the junkyard shall be kept within the enclosure of the junkyard, except as removal shall be necessary for the transportation of same in the reasonable course of business.
- E. All wrecking, dismantling or any other work on such motor vehicles and/or all reclaiming or any other work on such scrap shall be accomplished within the enclosure.
- F. The junkyard must comply with all other applicable zoning provisions of this Code.
- G. If approved, the junkyard may not be expanded without further approval of the Town Board.

4-7. Grant or denial of application.

After a public hearing, the Town Board shall grant or deny the application. In making its determination, the Town Board shall take into consideration the following criteria:

- A. The ability of the applicant to comply with the fencing requirements.
- B. The ability of the applicant to comply with other reasonable restrictions, regulations and/or conditions sought to be imposed by the Town Board.
- C. Whether the applicant has been convicted for any type of larceny and/or receiving of stolen goods in this state or any other state or country.
- D. The nature, development and use of surrounding property and whether or not the proposed junkyard substantially alters such nature, development or use of the surrounding property.
- E. Whether the general public can be protected from offensive or unhealthy odors, noise and smoke.
- F. Whether the proposed junkyard would have an unfavorable impact upon the clean, wholesome and attractive environment declared to be of vital importance to the inhabitants of the Town.
- G. Whether there is available other suitable sites with the Town for the junkyard.
- H. Whether there are other open and operating junkyards within the Town and whether another junkyard would unduly saturate the Town with junkyards.

4-8. License year.

A license year shall be January 1 through December 31.

4-9. License fees.

In addition to any other fees imposed by this Code, the annual license fee shall be \$500.00 to be paid at the time the application is made and annually thereafter in the event of renewal.

4-10. Renewal.

Application for renewal of any license granted shall be made in writing to the Town Board, and shall be filed with the Town Clerk, together with the appropriate license fee, no later than November 30th of each year.

A renewal application shall not be subject to a public hearing, except as provided in section 4-11.

4-11. Renewal hearing.

A. Notwithstanding the above, the Town Board shall hold a public hearing on any renewal application, if the Town Board is in receipt of information that:

1. The applicant has not complied with those portions of this local law on his part to be in compliance with;
2. The junkyard and/or its operation has become a public nuisance under the common law recognized in New York;
3. The applicant has been convicted of any type of larceny or the receiving of stolen goods in the State, or any other state or county;
4. The applicant has been convicted of any violation of this Local Law;

B. Said hearing shall be conducted in accord with the applicable provisions of the State Administrative Procedure Act.

C. In the event the Town Board finds affirmatively on any one or more of the standards set forth in this section, it may refuse to grant the renewal license applied for.

4-12. Appeal.

The determination of the Town Board denying an application or any renewal thereof, may be reviewed in a proceeding commenced under Article 78, Civil Practice Law and Rules.

4-13. Injunctive relief.

Notwithstanding any other penalties imposed herein for violations of this local law, if a person has allowed his junkyard to become a public nuisance under the common law of this state, or if a person is operating a junkyard without the license provided for herein, the Town may seek injunctive relief in the Courts of the State of New York.

4-14. Enforcement.

This local law shall be enforced by the Building Inspector.

4-15. Violations.

Violation of any portion of this local law shall be guilty of an offense punishable by a fine which shall not be less than \$250.00 and no more than \$1,000.00. Each seven (7) day period a violation shall continue, shall be deemed a separate violation.

4-16. Established junkyards.

- A. For purposes of this local law, the location of junkyards already established shall be considered approved by the Town Board, as to location and fencing.
- B. Within sixty (60) days of the effective date of this local law, the owners and/or operators of any established junkyards, if they have not already done so, shall file with the Town Clerk, a survey or other suitable drawing, which locates the boundaries of any established junkyard.
- C. No established junkyard may expand its use or junkyard area without further approval of the Town Board.
- D. Except as provided in subparagraph "A", the owners and/or operators of any established junkyard shall be subject to the provisions of this local law.

4-17. Severability.

The invalidity of any section, or part thereof, of this chapter shall not affect the remaining provisions hereof.

4-18. When effective.

This Local Law shall take effect upon proper mailing, filing and publication in accordance with the law.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 1995, entitled "Junkyards" and further designated as Chapter 4 of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M., Local Time, on the 15th day of May, 1995, and that Notice of the time and place of such hearing shall be published on May 4, 1995, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of the proposed Local Law of the Year 1995, entitled "Junkyards", for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

File: R.Loc.Law.Junkyards

PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted May 1, 1995, the said Town Board will hold a Public Hearing on the 15th day of May, 1995, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 1995, which Local Law repeals in its entirety, Chapter 4 - "Auto Wrecking and Junkyards" of the Code of the Town of Lancaster and enacts in place thereof a Local Law of the Year 1995, entitled "JUNKYARDS", and further designated as Chapter 4 of the Code of the said Town, briefly described as follows:

"A Local Law which repeals Chapter 4, Auto Wrecking and Junkyards of the Code of the Town of Lancaster and enacts in place thereof a new Chapter 4, entitled Junkyards.

This Local Law sets forth regulations for the establishment, operation and licensing of junkyards in the Town of Lancaster."

A complete copy of the proposed Local Law of the Year 1995, entitled: "Junkyards", and further designated as Chapter 4 of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

May 1, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
BY COUNCIL MEMBER KWAK , WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to amend to Sections 50-7(B); 50-25 (B) (1)(f) and Section 50-43 (A)(1) of Chapter 50, Zoning, of the Code of the Town of Lancaster, as follows:

CHAPTER 50 - ZONING

1. 50-7. Definitions and word usage.

.....

B.

"JUNKYARD", shall be deleted in its entirety and a new "JUNKYARD" definition shall be substituted in place thereof, which shall read as follows:

.....

"JUNKYARD - Any place for the storage or deposit, whether in connection with another business or not, of used motor vehicles, intended to be wrecked or junked or stored as wrecked or junked motor vehicles, iron, steel or non-ferrous scrap, where such items, or any of them, are held for the purpose of resale; dismantling parts therefrom for resale, or reclaiming for use, some or all of the material therein. The term shall include any place for the storage or deposit, for any such purposes, of used parts or waste materials from motor vehicles."

2. 50-25. General Industrial District (GI).

.....

B. Permitted uses.

(1) Principal structures and uses.

.....

(f) "Automobile junkyards, by special use permit", shall be deleted in its entirety and a new "(f)" shall be substituted in place thereof, which shall read as follows:

"(f) Junkyards"

and

3. 50-43. Site plan review.

A. Site plan submittal.

- (1) "Residential developments that contain three (3) or more multifamily dwelling units" shall be deleted in its entirety and a new "(1)" shall be substituted in place thereof, which shall read as follows:

"(1) Residential developments that contain three (3) or more single family dwellings in a planned cluster development other than dwellings contained in a subdivision subject to processing under the subdivision regulations of the Town of Lancaster; residential developments that contain three (3) or more multifamily dwelling units; residential developments for apartment houses, townhouse units and condominium units."

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to Section 50-7 (B) and 50-25 (B)(1)(f) of Chapter 50, Zoning, of the Code of the Town of Lancaster, County of Erie and State of New York will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 15th day of May, 1995, at 9:00 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that Notice of the time and place of such hearing be published on the 4th day of May, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

File: R.Amd.Chptr.50..4.95

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 1st day of May, 1995, the said Town Board will hold a public Hearing on the 15th day of May, 1995, at 9:00 o'clock P.M. Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York to hear all interested persons upon the following proposed amendment to Sections 50-7; 50-25 and 50-43 of Chapter 50, Zoning, of the Code of the Town of Lancaster:

CHAPTER 50 - ZONING

Chapter 50, ZONING,, of the Code of the Town of Lancaster shall be amended as follows:

1. 50-7. Definitions and word usage.

.....

B.

"JUNKYARD", shall be deleted in its entirety and a new 'JUNKYARD' definition shall be substituted in place thereof, which shall read as follows:

.....

"JUNKYARD - Any place for the storage or deposit, whether in connection with another business or not, of used motor vehicles intended to be wrecked or junked or as wrecked or junked motor vehicles, iron, steel or nonferrous scrap, where such items, or any of them, are held for the purpose of resale; dismantling parts therefrom for resale, or reclaiming for use some or all of the material therein. The term shall include any place for the storage or deposit, for any such purposes of used parts or waste materials from motor vehicles."

2. 50-25. General Industrial District (GI).

.....

B. Permitted uses.

(1) Principal structures and uses.

.....

(f) "Automobile junkyards, by special use permit" shall be deleted in its entirety and a new "f" shall be substituted in place thereof, which shall read as follows:

"(f) Junkyards".

and

3. 50-43. Site plan review.

A. Site plan submittal

- (1) "Residential developments that contain three (3) or more multifamily dwelling units", shall be deleted in its entirety and a new "(1)" shall be substituted in place thereof, which shall read as follows:

"(1) Residential developments that contain three (3) or more single family dwellings in a planned cluster development other than dwellings contained in a subdivision subject to processing under the subdivision regulations of the Town of Lancaster; residential developments that contain three (3) or more multifamily dwelling units; residential developments for apartment houses, townhouse units and condominium units."

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

BY: ROBERT P. THILL
Town Clerk

May 1, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

WHEREAS, the Town of Lancaster and the Facilities Development Corporation have been negotiating a new lease for the Buffalo Psychiatric Center at 525 Pavement Road, Lancaster, New York, and

WHEREAS, a new lease agreement has been recommended for approval by the Town Attorney's office, and

WHEREAS, a new lease will be for a five-year term commencing May 1, 1995 at a monthly rental of \$1,400.00 for the first year, with \$1,200.00 in annual increases thereafter, and

WHEREAS, the new lease provides for a five-year renewal term at annual increases of \$1,200.00, and

WHEREAS, the new lease agreement provides that the Facilities Development Corporation shall pay for the renovations about to be made by the Town at the premises over the first 60 months, with interest at the rate of 8% at the monthly rate of \$1,124.46;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute, on behalf of the Town, a new lease with Facilities Development Corporation for the Buffalo Psychiatric Center facility at 525 Pavement Road, effective May 1, 1995.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

File: R.Lease.BPC.95

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA , TO WIT:

WHEREAS, PAMELA HINTERMEIER-ABATI, 248 LeHavre Drive, Cheektowaga, New York, the owner of property located at 10 Overton Court in the Town of Lancaster, has submitted an application for a Special Use Permit for a Tax Preparation Practice within a single-family dwelling on premises locally known as 10 Overton Court, in the Town of Lancaster, pursuant to provisions of Chapter 50-Zoning - Section 17 (F) of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 17(F), entitled "Home Occupations", of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a Tax Preparation Practice, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 15th day of May, 1995, at 8:15 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

File: R.Sp.Use.Prmr.Abati

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50 - Zoning, Section 17(F), "Home Occupations" of the Code of the Town of Lancaster and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 1st day of May, 1995, the said Town Board will hold a Public Hearing on the 15th day of May, 1995, at 8:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of PAMELA HINTERMEIER-ABATI for a Special Use Permit for a home occupation - Tax Preparation Practice - within a single-family dwelling on premises locally known as 10 Overton Court, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

May 1, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA , TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to repeal in its entirety, Section 30-41 of Chapter 30, Article II of the Code of the Town of Lancaster, entitled: "Site Plan Review Fee" , and to enact in place thereof a Local Law of the Year 1995, entitled, "Site Plan Review Fee", designated as Chapter 30, Article II, Section 30-41 of said Code, which reads as follows:

PERMIT AND APPLICATION FEES

CHAPTER 30

ARTICLE II
PLANNING AND DEVELOPMENT FEES

SITE PLAN REVIEW FEE

Proposed

LOCAL LAW NO
1995

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING AND REPEALING, IN ITS ENTIRETY, SECTION 30-41, OF CHAPTER 30, ARTICLE II OF THE CODE OF THE TOWN OF LANCASTER, ENTITLED: "SITE PLAN REVIEW FEE", AND REPLACING IT WITH A LOCAL LAW OF 1995 ENTITLED: "SITE PLAN REVIEW FEE" AND DESIGNATED AS CHAPTER 30, ARTICLE II, SECTION 30-41 SITE PLAN REVIEW FEE, OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

Section 1.

This Local Law is enacted pursuant to the authority granted in Section 10 of the Municipal Home Rule Law of the State of New York, wherein a municipality may adopt local laws relating to the property, affairs and government of the town.

Section 2.

The Code of the Town of Lancaster, is hereby amended by deleting and repealing Section 30-41 of Chapter 30, Article II of the Code, entitled "Site Plan Review Fee".

Section 3.

The Code of the Town of Lancaster is hereby amended by adding thereto a Local Law of the Year 1995, to replace Section 30-41 "Site Plan Review Fee" as hereinabove repealed, which shall be entitled: "Site Plan Review Fee" and further designated as Article II, Chapter 30 of said Code, and shall read as follows:

30-41. A. Definitions.

For the purpose of this local law, certain terms are defined as follows:

SITE PLAN - Any site development plan for residential developments that contain three (3) or more single-family dwellings in a planned cluster development other than dwellings contained in a subdivision subject to processing under the subdivision regulations of the Town of Lancaster; any site development for residential developments that contain three (3) or more multifamily dwelling units; any site development plan for apartment houses, townhouse units, condominium units, commercial, industrial, recreational, religious, or institutional developments.

DEVELOPMENT AREA - An area of land permitted by this local law to be developed by a single owner or group of owners, acting jointly, which may consist of a parcel or assembled parcels planned and developed as an entity.

30-41. B. Site plan review fee required.

Where application is made to the Town of Lancaster to review a site plan as required by Chapter 50, Zoning, Section 43 of the Code of the Town of Lancaster, the following site plan review fees shall be imposed as part of the review process:

1. Single-family dwellings located in a planned cluster development of three (3) or more dwellings, other than dwellings contained in a subdivision subject to processing under the subdivision regulations of the Town of Lancaster: Two hundred fifty dollars (\$250.00) for the first dwelling, plus Two hundred dollars (\$200.00) for each additional dwelling.
2. Residential developments that contain three (3) or more multifamily dwelling units, apartment houses, townhouse units, condominium units: Two hundred fifty dollars (\$250.00) for the first dwelling unit, plus Two hundred dollars (\$200.00) for each additional dwelling unit.
3. Commercial, industrial, recreational, religious or institutional developments: Five hundred dollars (\$500.00) for the first acre or part thereof of the development area, plus One hundred fifty dollars (\$150.00) for each additional acre or part thereof of the said development area; provided, however, that if within said development area, there is acreage upon which no roads, vehicle parking areas, structures, public water lines or public sewer lines, are to be constructed, altered or modified, then the fee for any such acreage or part thereof, not being so improved; shall be ten dollars (\$10.00) per acre or any part thereof.

Section 4.

This Local Law shall take effect after mailing and filing as required by Law.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 1995, which local law repeals in its entirety Section 30-41 of Article II of Chapter 30, of the Code of the Town of Lancaster, entitled "Site Plan Review Fee" and enacts in place thereof a new Section 30-41 of the said Code, entitled, "Site Plan Review Fee", will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 9:15 o'clock P.M., Local Time, on the 15th day of May, 1995, and that Notice of the Time and Place of such hearing shall be published on May 4, 1995, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of the proposed Local Law for the Year 1995, entitled: "Site Plan Review Fee Law", for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted May 1, 1995, the said Town Board will hold a Public Hearing on the 15th day of May, 1995, at 9:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 1995, which Local Law repeals in its entirety, Section 30-41 of Article II of Chapter 30, of the Code of the Town of Lancaster, entitled "Site Plan Review Fee" and enacts in place thereof a new Section 30-41 of Article II of Chapter 30, entitled: "Site Plan Review Fee", of the Code of the said Town, briefly described as follows:

"A Local Law which repeals Chapter 30-41 of Article II, Chapter 30 of the Code of the Town of Lancaster, and enacts in place thereof a new Chapter 30-41, "Site Plan Review Fee".

This Local Law sets forth site plan review fees involved in the review of specific projects and developments to be constructed in the Town of Lancaster."

A complete copy of the proposed Local Law of the Year 1995, entitled: "Site Plan Review Fee" and further designated as Chapter 30-41 of Article II, Chapter 30 of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

May 1, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of Local Laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 1995, entitled "CODE OF ETHICS", and further designated as Chapter 9 of the Code of the Town of Lancaster, which reads as follows:

CODE OF ETHICS

CHAPTER 9

PROPOSED

LOCAL LAW
1995

CODE OF ETHICS

A LOCAL LAW ESTABLISHING A CODE OF ETHICS FOR THE TOWN OF LANCASTER

- 9-1. Title.
- 9-2. Purpose & scope.
- 9-3. Definitions.
- 9-4. Conflicts of Interest.
- 9-5. Transactional Disclosure & Recusal.
- 9-6. Annual Disclosure
- 9-7. Penalties.
- 9-8. Maintenance of Disclosure Statements.
- 9-9. List of Town Officials, Notice of Filing Requirements, Verification of Filing.
- 9-10. Town of Lancaster Board of Ethics.
- 9-11. Duty to Report
- 9-12. When effective.

Be it enacted by the Town Board of the Town of Lancaster, as follows:

9-1. Title.

This Local Law shall be known as the Town of Lancaster Code of Ethics.

9-2. Purpose and scope.

This Code is enacted pursuant to Article 18 of the General Municipal Law and in recognition of the policy of the State of New York and the Town of Lancaster to maintain the highest standards of integrity and public service.

This Code is intended to afford Town officers and employees guidance in conforming to ethical standards, to promote public confidence in the integrity of Town Government; to require public disclosure of financial interests that may influence or be perceived as influencing actions of town officers and employees; to minimize unwarranted suspicion and to provide for the fair and effective administration of this Code.

This code shall be in addition to any other restriction, standard and/or provisions pertaining to the conduct of town officers and employees.

9-3. Definitions.

AGENCY - Any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau or committee of the Town of Lancaster, and

Shall include, but not be limited to the Zoning Board of Appeals, Planning Board, Library Board of Trustees, Youth Bureau, Drug Abuse Prevention Council, Assessment Review Board, Town of Lancaster Industrial Development Agency, Senior Citizens Director, Ethics Board, and any government review or advisory board appointed by the Town Board.

APPEAR and APPEAR BEFORE - Communicating in whatever form, whether personally or through another person.

BUSINESS DEALING - Having or providing any contract, service, or work with a municipality; buying, selling, renting, leasing or otherwise acquiring from or dispensing to a municipality, any goods, services, or property; or applying for, petitioning, requesting, or obtaining any approval, grant, loan, license, permit, or other privilege from the municipality.

DISCRETIONARY ACT - Any action involving the exercise of judgment or discretion by a municipal officer or employee, either individually or as a member of any agency, and includes, but is not limited to, negotiation, approval, denial, advice, recommendation, authorization or audit.

FAMILY MEMBER - A spouse, child, step-child, brother, sister, parent, or dependent of a municipal officer or employee.

GOVERNING BODY - The Town Board of the Town of Lancaster.

MINISTERIAL ACT - An action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

PAID TOWN OFFICER, EMPLOYEE OR OFFICIAL - Any Town officer, employee or official who receives a salary from the Town or who is compensated by the Town on a per diem or hourly basis, but does not include a Town officer, employee, or official who is solely reimbursed by the Town for expenses incurred in the course of his or her duties.

PARTICULAR MATTER - Any business dealing with the Town, or any application therefore, or any case, proceeding, determination, investigation, charge, accusation or arrest or any other matter involving a discretionary act of a Town officer or employee, but does not include the proposal, consideration or enactment of local laws, ordinances or regulations of general application.

PERSON - An individual, corporation, partnership, unincorporated association, and all other entities.

SPOUSE - A husband or wife from whom the Town officer or employee is not legally separated.

TOWN - The Town of Lancaster, and includes all agencies, officers, employees and officials thereof.

TOWN CLERK - The duly elected Town Clerk of the Town of Lancaster.

TOWN OFFICER OR EMPLOYEE - Any officer or employee of the Town of Lancaster, whether paid or unpaid, including public officials and all other members of any agency in the Town of Lancaster, but does not include the Town Justices, officers or employees of the Unified Court System. Volunteer firemen and civil defense volunteers shall not be deemed to be Town officers or employees.

TOWN OFFICIAL - Any Town officer or employee who has the authority either alone or as a member of an agency to perform discretionary acts on behalf of the Town with respect to any business dealing. Town official shall not include (a) Town Justice and (b) Any Town officer or employee who performs only ministerial acts and duties.

9-4. Conflicts of Interest of Municipal Officers and Employees.

A. No Town officer or employee shall:

1. Act as attorney, agent, broker, employee, consultant, or representative of or for any person in connection with any business dealing that person has with the Town.
2. Directly or indirectly, solicit any gift or accept or receive any gift or series of gifts having a value of \$75.00 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or her, in the performance of his official duties or was intended as a reward for any official action on his or her part. The foregoing limitation shall not apply to campaign contributions not otherwise prohibited by law.
3. Take or refrain from taking any action, or agree to take or refrain from taking any action, or induce or attempt to induce any other Town officer or employee to take or refrain from taking any action, on any matter before the Town in order to obtain a pecuniary or material benefit for:
 - a. himself or herself;
 - b. a family member;
 - c. any partnership or unincorporated association of which the Town officer or employee is a member or employee or in which he or she has a proprietary interest;
 - d. any corporation of which the Town officer or employee is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock;
 - e. any person with whom the Town officer or employee or his or her family member has an employment, professional, business or financial relationship, or
 - f. any person from whom the Town officer or employee, or his or her spouse, has received within any twelve month period during the previous twenty-four months, a pecuniary or material benefit having an aggregate value greater than one thousand dollars, unless the said individuals make up less than five percent (5%) of a class of individuals benefited.
4. Appear before the agency serviced by or which employs such Town officer or employee except on behalf of the Town or on his or her own behalf;

5. Appear before the Town except on behalf of the Town or on his or her own behalf. This paragraph shall only apply to officers and employees who are elected or who are paid by the Town;
 6. Appear as attorney or counsel against any interest of the Town in any matter in which the Town is a party or a complainant;
 7. Solicit any non-elected officer or employee of the Town to participate in an election campaign. This paragraph shall not prohibit an elected officer from soliciting such participation from officers and employees who are appointed by, and directly subordinate to, such elected officer and whose service in positions which are in the exempt classification or the unclassified service under the Civil Service Law;
 8. Directly or through a person, campaign committee, or other organization authorized to act on his or her behalf, solicit any non-elected town officer or employee of the Town to pay or promise to pay any assessment, subscription or contribution to a political party, political party organization or election campaign. This paragraph shall not prohibit a general solicitation of a class of person;
 9. Directly or through a person, or campaign committee or other organization authorized to act on his or her behalf, solicit participation in an election campaign or payment or promise of payment of any assessment, subscription or contribution to a political party, political party organization, or election campaign, from any person who, to the knowledge of the town officer or employee has, or within the previous twelve months has had any business dealing with the town. This paragraph shall not prohibit a general solicitation of a class of persons;
 10. Except where such disclosure is authorized by law, disclose any confidential information acquired in the course of his or her official duties, or use any such information to advance the financial or other private interest of himself or herself or any other person; and
 11. After termination of his or her term of office or employment with the Town, appear before the Town, or receive compensation for any services rendered on behalf of any person other than the Town, in relation to any particular matter upon which he or she took any discretionary act during his or her term of office of employment with the Town.
- B. No partnership or unincorporated association of which a Town official is a member or employee or in which he or she has a proprietary interest, nor any corporation of which he or she is an officer or director or legally or beneficially owns or controls more than five percent (5%) of the outstanding stock, shall appear before the agency served by such Town official on behalf of any person other than the Town or itself.
- C. No partnership or unincorporated association of which a Town official who is elected or paid by the Town is a member or employee, or in which he or she is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock, shall appear before the Town on behalf of any person other than the Town or itself.

- D. Nothing in this section shall be construed to prohibit a town officer or employee or any other person from receiving a municipal service or benefit, or using a municipal facility which is generally available to residents or a class of residents in the Town.
- E. Nothing in this section shall be construed to prohibit any town officer or employee listed in Section 11 of the Domestic Relations Law from accepting any gift or benefit having a value of seventy-five dollars (\$75.) or less for the solemnization of a marriage by that town officer or employee at a place other than the town officer's or employee's normal place of business or at a time other than the officer's or employee's normal hours of business and except as may be otherwise restricted by law.
- F. Nothing in this section shall be construed to prohibit a town officer or employee from performing any ministerial act.
- G. A person who knowingly violates any provision of this section may, in addition to any penalty contained in any other provisions of law, be dismissed, suspended or removed from office or employment in the manner provided by law.

9-5. Transactional Disclosure and Recusal.

- A. Whenever a town officer or employee is requested or required to take any action on a matter before the Town and, to his or her knowledge, either the performance or nonperformance of that action would provide a pecuniary or material benefit to himself or herself or to any related person different from that which would be derived from the action by reason of its general application to a broad class of persons deriving such benefit, the Town officer or employee shall not participate in that matter, unless the town officers' or employees' recusal prohibits Town action, then said town officer or employee shall participate after full disclosure.

Additionally, the Town officer or employee, prior to any final action being taken, shall file promptly with his or her immediate superior, if any, and with the Town Clerk, a signed statement disclosing the nature and extent of that interest.

- B. For purposes of this section, "related person" means:
 - 1. A family member;
 - 2. Any corporation of which the town officer or employee is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock;
 - 3. Any person with whom the town officer or employee, or his or her family member has an employment, business or financial relationship; and
 - 4. Any person from whom the town officer or employee, or his or her spouse, has received within any twelve month period during the previous twenty-four months, a pecuniary or material benefit having an aggregate value greater than One Thousand Dollars (\$1,000.).
- C. Nothing in this section shall be construed to prohibit a Town officer or employee from performing any ministerial act.

9-6. Annual Disclosure.

- A. All Town officials who are elected, and all members of the Zoning Board of Appeals, Planning Board, Library Board of Trustees, Youth Bureau, Drug Abuse Prevention Council, Assessment Review Board, Town of Lancaster Industrial Development Agency, Ethics Board, Senior Citizens Director, Town Building Inspector, Town Engineer, Director of Parks and Recreation, and any government review or advisory board appointed by the Town Board, shall file with the Town Clerk, who for the purpose of this section, shall also be deemed the Secretary of the Board of Ethics as hereinafter set forth, a signed annual disclosure statement; 1) within 120 days of the effective date of this Code; 2) within thirty (30) days of taking office; 3) no later than April 30th of each year thereafter.

Within thirty (30) days of any change in the information contained in his or her most recently filed statement, the public official shall file a signed amendment to the statement indicating the change.

- B. Matters to be disclosed by all elected, paid or appointed Town officials shall be in the following form:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE

TOWN OF LANCASTER

For Calendar Year _____

1. Name: _____
Address: _____

2. a. Title of Position: _____
b. Department, Agency or other Governmental Agency or Entity

3. Address and SBL No. of all real property within the Town of Lancaster in which you or your spouse or other family member of your household has an ownership or other financial interest.

Address

S.B.L. Number

4. List the name and address of any partnership, unincorporated association or business of which you or your spouse is a member, officer or employee or in which you or your spouse has a proprietary interest, giving your position and/or your spouse's position, if any, with the partnership association or business.

<u>Position</u>	<u>Organization</u>	<u>Address of Organization</u>
-----------------	---------------------	--------------------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____

5. List the name and address of any corporation or limited partnership of which you or your spouse is an officer, director or employee or of which you or your spouse legally or beneficially owns or controls more than five percent (5%) of the issued and outstanding stock or other ownership rights, listing your position and/or your spouse's position, if any, with the corporation or limited partnership.

<u>Name of Corporation or Limited Partnership</u>	<u>Address</u>	<u>Position</u>
---	----------------	-----------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. State the self-employment and the general nature thereof, from which you or your spouse has derived, during the previous calendar year, gross income in excess of \$2,000.00.

7. If you are unable after reasonable effort to obtain some or all of the information required herein, so state and give reasons therefore.

Signature of Reporting Individual

(month, day, year)

9-7. Penalties.

A reporting individual who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows or should have known to be false, on such statement of financial disclosure filed pursuant to this section, shall be assessed a civil penalty in an amount not to exceed \$10,000.00. Assessment of a civil penalty hereunder shall be made by the Town of Lancaster Board of Ethics.

For a violation of this subsection, the Town of Lancaster Board of Ethics may, in lieu of a civil penalty refer a violation to the District Attorney and upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor.

Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for failure to file or for false filing of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law.

The Town of Lancaster Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in Article III of the State Administrative Procedures Act, but such mechanisms may not be identical in terms or scope.

Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty (30) days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Town of Lancaster Board of Ethics, pursuant to Article 78 of the Civil Practice Law and Rules.

9-8. Maintenance of Disclosure Statements.

Transitional disclosure statements and annual disclosure statements shall be a matter of public matter of public record and shall be filed and indexed with the Town Clerk. The Town Clerk shall retain such disclosure statements for a period of not less than seven (7) years from the calendar year covered by the filing.

9-9. List of Town Officials, Notice of Filing Requirements, Verification of Filing.

- A. On or before the 1st day of April of each year, the Town Clerk shall, after consultation with the Town Attorney, notify all persons required to file annual disclosures by forwarding to them an "Annual Statement of Financial Disclosure".
- B. On or before the 15th day of May of each and every year the Board of Ethics shall ascertain and verify that every required individual has filed the required disclosure statement.
- C. Failure of the Town Clerk to notify any or all individuals required shall not relieve Town Officials of their duty to file the disclosure statements.

9-10. Town of Lancaster Board of Ethics.

- A. A Board of Ethics is established and shall be known as the Town of Lancaster Board of Ethics.

- B. The Board of Ethics shall consist of five members who shall initially serve a one (1) to five (5) year term. Thereafter, Members shall be appointed for a five (5) year term.

If the Supervisor shall fail to appoint the members within thirty (30) days after the establishment of the Board of Ethics or within thirty (30) days after a vacancy occurs on the Board of Ethics, the Town Board shall appoint such member or members as the case may be. Only one member of the Board shall be an officer or employee of the Town of Lancaster.

In the event a vacancy occurs prior to the expiration of the five-year term, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms. All members shall reside within the Town of Lancaster.

All members shall serve without compensation except that any member who is a Town of Lancaster officer or employee shall be entitled to his usual compensation when attending upon the business of the Board, during normal working hours.

- C. No more than two members of the Board may be affiliated with the same political party. No member of the Board of Ethics may hold an officer's position in any political party, except such person may be a member of a county committee of a political party.

For purposes of this Section, political party shall mean any political party which appears on the ballot in the last biennial town election. The members shall elect a Chairman from among themselves and such other officers as may be deemed necessary from time to time.

- D. A Board of Ethics member may be removed by the Town Supervisor with the approving consent of not less than five members of the Town Board after a finding of substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of the office or violation of this act after written notice of the charges and an opportunity to reply.
- E. The Town Clerk shall be the Clerk of the Board of Ethics and all documents filed with the Town Clerk shall be deemed, for the purposes of this Local Law, to be filings with the Board of Ethics.
- F. The Board of Ethics shall have all the powers and duties as prescribed by Article 18 of the General Municipal Law. The Board of Ethics may adopt and amend such rules or procedures as are appropriate.

9-11. Duty to Report.

Every Town officer or employee shall report to the Erie County District Attorney or the Town Attorney any action which may reasonably be interpreted as an improper attempt to influence him in the conduct of his office.

9-12. When Effective.

This Local Law shall take effect after mailing, filing and publication as required by law.

Date: May 1, 1995

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 1995, entitled "CODE OF ETHICS", and further designated as Chapter 9 of the Code of the Town of Lancaster, will be held in the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:45 o'clock P.M., Local Time, on the 15th day of May, 1995, and that Notice of the time and place of such Hearing shall be published on May 4, 1995, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of the proposed Local Law, entitled "CODE OF ETHICS" for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on May 1, 1995, the said Town Board will hold a Public Hearing on the 15th day of May, 1995, at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 1995, entitled "CODE OF ETHICS", and further designated as Chapter 9 of the Code of the said Town, briefly described as follows:

"A Local Law to establish a Code of Ethics for the Town of Lancaster."

A complete copy of a proposed Local Law of the Year 1995, entitled "CODE OF ETHICS", and designated as Chapter 9 of the Code of the said Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

May 1, 1995

FILE: LOCAL LAW.CODE.ETHICS.95

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 1978 to Claim No. 2101 Inclusive

Total amount hereby authorized to be paid: **\$410,696.02**

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

File: R.CLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER VAN NORTWICK, WHO MOVED ITS
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, DONALD GALLO, Consulting Engineer, has submitted a letter proposal dated April 26, 1995, for performing a Building Needs Overview for the Town of Lancaster, for the purpose of identifying the inadequacies/inefficiencies in the current buildings (sizes, layouts, codes, etc.), for the sum of \$12,000.00, and

WHEREAS, the Town Board deems it in the public interest to retain Donald Gallo in accordance with the terms outlined in his Letter Proposal on file in the office of the Town Clerk;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with DONALD GALLO, Consulting Engineer, 260 Elmwood Avenue, Buffalo, New York 14222, for performing a Building Needs Overview for the Town in accordance with his letter proposal dated April 26, 1995, for the sum of \$12,000.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

File: R.Ret.Engr.Bldg.Ovrw.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER POKORSKI , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

WHEREAS, the County of Erie is contemplating allowing the Town of Lancaster to plant trees within the County's right of way along county roads located within the Town of Lancaster, as part of the Town's tree planting program, and

WHEREAS, the County is requiring that the Town submit a hold harmless agreement in favor of the County of Erie, indemnifying the Town of Lancaster as part of the Town's tree planting program, and

WHEREAS, the Town Board determines that the planting of trees within the County of Erie's rights of way along county roads located within the Town of Lancaster would enhance and contribute to the benefits to be derived from the town's tree planting program;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute an Indemnification and Hold Harmless Agreement to be prepared by the Town Attorney, in favor of the County of Erie, indemnifying and holding the County of Erie harmless against any loss it may suffer arising out of the installation, use and/or removal of said trees.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore retained Wendel, a consulting engineering firm, to prepare plans and specifications, and provide engineering services related to the proposed building construction of the Lancaster Youth Bureau, to be located in Oxford Park, and

WHEREAS, plans and specifications have been filed with the Town Clerk, and

WHEREAS, the Town Board of the Town of Lancaster, desires to advertise for public bids pursuant to the requirements of Section 103 of the General Municipal Law;

NOW, THEREFORE, BE IT

RESOLVED, that Sealed Bids will be received by the Town Clerk at his office in the Town Hall, 21 Central Avenue, Lancaster, New York 14086, at 10:00 A.M. Local Time, on the 31st day of May, 1995, for the construction of the Lancaster Youth Bureau to be located in Oxford Park in the Village of Lancaster, New York, in accordance with the specifications on file in the Town Clerk's Office, and that a Notice to Bidders shall be published in the Lancaster Bee on May 11, 1995, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

File: R.Not.Bdrs.Y.Bur.

LEGAL NOTICE

**TOWN OF LANCASTER
ERIE COUNTY, NEW YORK
LANCASTER YOUTH BUREAU**

NOTICE TO BIDDERS

Sealed, separate proposals for General Construction Work, Plumbing Work, Heating and Ventilating Work, and Electrical Work for the Lancaster Youth Bureau located in Oxford Park, corner of Oxford and Richmond Avenue in the Village of Lancaster, will be received from bidders by the Town Clerk at his office in the Town Hall, 21 Central Avenue, Lancaster, NY 14086 on or before 10:00 A.M., Local Time on the 31st day of May 1995, at which time they will be publicly opened and read aloud by the Town Clerk or his designated representative.

Contract Documents may be examined at the office of the Town Clerk of the Town of Lancaster at 21 Central Avenue, Lancaster, NY 14086 and at the offices of the ARCHITECT at the address listed below between the hours of 9:00 A.M. and 4:30 P.M. from May 11, 1995 to May 30, 1995 except Saturdays, Sundays, and Holidays.

Copies may be obtained from the office of Wendel after May 10, 1995 upon deposit of \$100.00 for each set (in the form of two \$50.00 checks). The ARCHITECT will mail the Contract Documents to those wishing to obtain a set upon receipt of the document fee plus a non-refundable mailing and handling charge of Ten Dollars (\$10.00) per set. The mailing date will be considered the bidder's date of receipt. Partial sets of Contract Documents will not be available. Neither the OWNER nor the ARCHITECT will be responsible for full or partial sets of Contract Documents, including any addenda, obtained from other sources. Bidders who return full sets of documents in good condition within thirty (30) days of award of the contract will receive a full refund. Non bidders will be refunded one-half of the deposit upon return of full sets of Contract Documents within thirty (30) days of award of the Contract. No refunds will be made for the return of additional sets. Checks for documents shall be made payable to the ARCHITECT. The \$100.00 deposit shall be in the form of two (2) \$50.00 checks made payable to Wendel. Checks for mailing fees shall be made payable to Wendel.

The attention of the Bidders is called particularly to the requirements with respect to conditions of employment to be observed and minimum wage rates to be paid under the contract.

The attention of the Bidders is called to the provisions of Article 5A of the General Municipal Law which requires the Bidder to execute a certificate of non-collusion and to conform with the other provisions of Article 5A outlined in the Instructions to Bidders and Supplementary Conditions. A form for such certificate accompanies the bid form. Unless it is properly executed, the bid will not be accepted.

The successful Bidder will be required to furnish Payment and Performance Bonds each in an amount equal to 100 percent (100%) of the Contract award.

For the purpose of the deposit refund, bidders shall only be considered as those that formally submit a bid at the time and place as stated above and for the purpose of the performance of the work as set forth in these Specifications.

Each proposal must be accompanied by the deposit of a certified check, payable to the Order of the Town of Lancaster, for a sum equal to five percentum (5%) of the total amount of the bid, or a bond with sufficient sureties in a penal sum equal to five percentum (5%) of such total bid amount, conditioned that if the proposal is accepted, the successful bidder will enter into a contract for the work, and that he will execute within fifteen (15) days from the date of award, a suitable security bond in the amount of the contract, conditioned for the faithful and prompt performance and completion of the work specified in the contract.

All deposits, except that of the successful bidder, will be returned.

Upon acceptance of his bid, if the successful bidder fails to enter into a contract pursuant to the requirements of the Board, or fails to give the further security prescribed in this notice, with the time limited therein, then the check deposited as aforesaid and the moneys standing to the credit of same, shall be forfeited to the Town as liquidated damages, or the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

As evidence of his competency to perform the work, each Bidder shall submit with his Bid a statement of his qualifications and resources. Each Bid must contain evidence of Bidder's qualification to do business in the state where the Project is located or covenant to obtain such qualification prior to award of the Contract. Low Bidders may be asked to furnish additional data to demonstrate competency.

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder or to the lowest responsive and responsible bidder, to delete bid sections or items, should it be deemed to be in the best interest of the Town of Lancaster, and in accordance with law, are herewith reserved.

The Town of Lancaster is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Use Taxes which are to be incorporated into the project and which are to be separately sold by the CONTRACTOR to the OWNER prior to incorporation into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid. Sales tax will be due on all materials purchased by CONTRACTOR which are either "consumable" or rental property used by the CONTRACTOR in connection with the construction or repair.

Award of a Contract or Contracts is subject to Town of Lancaster Financing.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER, NY

Robert Thill, Town Clerk

Architect/Engineer
Wendel
Suite 100
95 John Muir Drive
Buffalo, NY 14228
(716) 688-0766

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, by memorandum dated April 27, 1995, the Supervisor of the Town of Lancaster has requested the transfer of funds within the 1995 General Fund Budget,

NOW, THEREFORE, BE IT

RESOLVED, that the following transfers within the 1995 Adopted General Fund Budget - be and are hereby approved:

<u>FUND APPROPRIATIONS</u>	<u>INCREASE</u>	<u>DECREASE</u>
01.1670.0401 Office Supplies	134.60	
01.1670.0403 Printing and Advertising		134.60

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

File: R.ACCT.TRANSFER (P2)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA, TO WIT:

WHEREAS, the Park Lane Development has heretofore applied for approval of a subdivision known as Parkedge, and

WHEREAS, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

WHEREAS, the Town Board of the Town of Lancaster has considered and reviewed the before mentioned project;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the subdivision known as Parkedge, as filed by Tallamy, Van Kuren, Gertis & Associates, dated June 7, 1991 and revised November 1, 1994.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the Linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

File: R.Apr.Subd.Parkdge

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

WHEREAS, Forbes Homes, Inc. 2635 Millersport Highway, Getzville, New York 14068, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Regents Park Subdivision,

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 399, 400, 401 and 402 of Forbes Homes, Inc., 2635 Millersport Highway, Getzville, New York, for the installation of:

- P.I.P. No. 399 - Construction on Regency Ct.: 429± LF of 24" HDPE; 354± LF of 18" HDPE; 104± LF of 12" RCP; 976± LF of 12" HDPE; 8 ea. ST. MH's; 8 ea. RCVR's; 1,168± LF of 6" PPVC; 7 ea. LD RCVR's; & rip rap. Off site construction for Regents Park Subdivision (West Home @ Home Streets): Regrade 160± LF of ex. ditch; remove and replace ex. 15" CMP Driveway culvert w/ 18" HDPE (20± LF).
- P.I.P. No. 400 - Construction within Regents Park Subdivision of: Storm Water Detention Pond Excavation.
- P.I.P. No. 401 - Construction on Regency Court of: 1,370± LF of (Pavement and Curb) 28' wide AC pavement with 20" up-right curb. Type "AB" on island.
- P.I.P. No. 402 - Construction on Regency Park of: 1,380± LF of 8" PVC (C-900) water line pipe and appurtenance. 2 ea. hydrant assy's. 1 ea. 8" valve. 1 ea. 2" perm. blow-off. 1 ea. 6" TAP SL/VL.

be and are hereby approved and the installation of the improvements requested be and are hereby authorized, subject to the following condition:

No Building Permits shall be issued until Performance Security as authorized in Chapter 11-6 of the Code of the Town of Lancaster is provided -- or -- until approval of all Public Improvements, including lighting and sidewalks, by the Town Engineer and Town Board, and sewer by Erie County Sewer District No. 4, and conveyance of Warranty Deed with adequate title insurance and bill of sale of improvements rights-of-way, and easement, and delivery of two (2) year maintenance bonds from date of acceptance in the principal sum of 25% of the total cost of the improvement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER GIZA TO WIT:

RESOLVED, that the following Building Permit Applications be
 and are hereby approved and the issuance of these Building Permits be and are
 hereby authorized:

CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the
 Town of Lancaster are waived for this permit.

No	Code	Applicant	Street Address	Structure
2488		Randy/Karen Basher	120 Cemetery Rd	Er. Garage
2489		D R Chamberlain Corp	5111 Transit Rd	Er/Alter Sign/Fasica
2490		Bill Lichtenthal	160 Brunck Rd	Er. Pool
2491		Capretto Enterprises	315 Enchanted Fst N	Er. Sin. Dwlg
2492		Bob Krawczyk	23 Hampton Ct	Er. Shed
2493		The Wine & Liquor Station, Inc	4779 Transit Rd	Er. Temp. Sign
2494		Advision Inc	4779 Transit Rd	Er. Sign
2495		John Mooney	11 Greenbriar Dr	Inst. Pool
2496		John Fachko	41 Lake Fst Pkwy E	Er. Shed
2497		Majestic Pools Inc	82 Michael's Wlk	Inst. Pool
2498		Frank Mirabelli	135 Pleasant View	Er. Greenhouse
2499		Richard & Frances Baran	163 Westwood Rd	ER. Pool
2500		Paul T Collyer	25 Old Post Rd	Er. Deck
2501		Laurie Stepniak	22 Quail Run Ln	Er. Fence
2502		Giuseppe Donato	29 Traceway	Er. Sin. Dwlg
2503		Donato Developers Inc	26 Grafton Ct	Er. Sin. Dwlg
2504		John Sweet	17 Stony Brook Dr	Er. Pool
2505	SW	MGR Constructors Inc	1362 Townline Rd	Er. Sin. Dwlg
2506		Michael W Nosbisch	42 Signal Dr	Er. Pool
2507		P.W. Reinig	28 Hemlock Ln	Er. Storage. Bldg
2508	SW	Burke Bros. Construction	845 Erie St	Er. Sin. Dwlg
2509		Stratford Homes	10 Trentwood Tr	Er. Sin. Dwlg
2510		M J Ogiony Bldrs	8 Winding Way	Er. Sin. Dwlg
2511		M J Ogiony Bldrs	8 Trentwood Tr	Er. Sin. Dwlg
2512		Essex Homes of WNY	52 Quail Run Ln	Er. Sin. Dwlg
2513		Marrano/Marc Equity	69 Old Post Rd	Er. Sin. Dwlg
2514		Marrano/Marc Equity	57 Stony Brook Dr	Er. Sin. Dwlg
2515		Marrano/Marc Equity	26 Whitestone Ln	Er. Sin. Dwlg

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2516 Marrano/Marc Equity 10 Woodgate Dr Er. Sin. Dwlg
2517 Joseph Skubinski 6 Hampton Ct Er. Sin. Dwlg
2518 Fischione Const Co Inc 26 Hidden Trail Er. Sin. Dwlg
and,

BE IT FURTHER

RESOLVED, that the Building Permit applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

Councilman Van Nortwick requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER VAN NORTWICK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER POKORSKI, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by memorandum dated May 1, 1995, has requested authorization to accept on the behalf of the Town of Lancaster a grant from the United States Department of Justice relative to a grant award under the "COPS FAST" Program, and

WHEREAS, the "COPS FAST" Program will provide for the funding of additional police personnel for the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Thomas E. Fowler, Chief of Police of the Town of Lancaster, be and is hereby authorized to accept a grant award on behalf of the Town of Lancaster under the United States Department of Justice "COPS FAST" Program, and

BE IT FURTHER

RESOLVED, that the Chief of Police of the Town of Lancaster be and is hereby authorized to sign the grant award and all subsequent reports and forms relative to this program.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

File: R.STATE.COPS.FAST

Council Member Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI, TO WIT:

WHEREAS, APPLE RUBBER PRODUCTS, INC. has submitted a Site Plan dated February, 1995, for the construction of an addition to its existing structure located at 204 Cemetery Road, Lancaster, New York, and

WHEREAS, the Planning Board has reviewed the plan, and by memo dated April 12, 1995, has recommended approval, and

WHEREAS, the Town Engineer has reviewed this project with respect to SEQR and by memo dated April 20, 1995, has advised the Board that this project is a Type II Action and no further SEQR review is necessary;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Apple Rubber Products, Inc. for the construction of an addition to its existing structure located at 204 Cemetery Road, Lancaster, New York, in accordance with plans prepared by Nussbaumer & Clarke, Inc., Consulting Engineers, dated February, 1995.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

May 1, 1995

File: R.Apr.Site.Plan.Aple

COMMUNICATIONSDISPOSITION

178. Paul/Barbara Fuhrmann to Tim David, Buffalo Tournament Club - Comments re: proposed golf course on premises situate at 6432 Genesee Street.	R & F
179. The Niagara Frontier Builders Assoc. to Town Board - Comments re: moratorium on subdivision approvals.	TOWN ATTORNEY PLANNING COMMITTEE PLANNING BOARD
180. Deloitte & Touche to Town Board - Proposal for services re: Cable Franchise Fee.	CABLE COMMITTEE
181. Town of Alden Supervisor to Town Board - Expression of appreciation for help Town provided re: accident and spill at Walden Ave. and Town Line Rd.	R & F
182. Disaster/Preparedness Dept. to Supervisor - Spill report re: incident of 3/27/95 at Walden Ave. and Town Line Rd.	R & F
183. Town Engineer to Town Board - Recommend acceptance of Public Improvement Permits within Windsor Ridge Subdivision, Phase II.	SUPERVISOR
184. Town Engineer/Building Inspector to Town Board - Request Francesco Caico be hired for the period May 1 through September 1995 on a full-time basis for shared use by both departments.	R & F
185. Town Line V.F.D. to Town Board - Invitation to annual "Community" Memorial Day services on 5/29/95.	R & F
186. Arthur Anderson & Co. to Town Board - Proposal for services re: Cable Franchise Fee.	CABLE COMMITTEE
187. Town Clerk to Zoning Board Members, Building Inspector and Town Attorney - Transmittal of variance petitions for meeting to be held 5/11/95.	R & F
188. Broadway Residents to Town Board and DCO - Petition demanding relief from excessive dog barking on premises situate at 6467 Broadway.	R & F
189. NYSDOT to Supervisor - Notification of traffic signal installation at Walden Ave./Town Line Rd. intersection during 1995 construction season.	R & F
190. LoCicero and Sherwood to Town Attorney - Comments re: Pamela Hintermeier-Abati Special Use Permit Application.	R & F
191. Brian/Mrs. H.K. Fahey to Town Board - Opposition to Tops Markets rezoning petition.	PLANNING COMMITTEE
192. David M. Harty to Supervisor - Request installation of traffic signal at Central Ave./Country View Way intersection.	PUBLIC SAFETY COM.
193. Lancaster/Alden Fire Chiefs Mutual Aid Assoc. to Town Board Public Safety Committee - Invitation to meeting on 5/19/95 in Municipal Building.	R & F
194. Town Engineer to Town Board - Notification that Apple Rubbers Products site plan falls under classification of a Type II Action.	R & F

COMMUNICATIONSDISPOSITION

195. Donald Gallo to Council Member Van Nortwick -
Proposal to perform building needs overview
for Town.

R & F

PERSONS ADDRESSING TOWN BOARD:

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matter:

1. Urged better inspection of Town roads before acceptance from developers.

Moessinger, Debbie, 1312 Ransom Road, spoke to the Town Board on the following matter:

1. Urged the Town Board to deny the Tops Markets rezone petition.

Palmeri, Kandy, 5815 Genesee Street, spoke to the Town Board on the following matter:

1. Urged the Town Board to deny the Tops Markets rezone petition.

Mannerberg, Glen, 190 Stony Road, spoke to the Town Board on the following matter:

1. Urged the Town Board to deny the Tops Markets rezone petition.

Kirkman, Chuck, 5676 Genesee Street, spoke to the Town Board on the following matter:

1. Urged the Town Board to deny the Tops Markets rezone petition.

Moessinger, David, 1312 Ransom Road, spoke to the Town Board on the following matter:

1. Urged the Town Board to deny the Tops Markets rezone petition.

Baehre, Diane, 5755 Genesee Street, spoke to the Town Board on the following matter:

1. Questioned who enforces SEQR regulations.

Zaborowski, Paul, 5349 Genesee Street, spoke to the Town Board on the following matter:

1. Urged the Town Board to deny the Tops Markets rezone petition.

Burgess, Kristen, 298 Warner Road, spoke to the Town Board on the following matter:

1. Urged the Town Board to deny the Tops Markets rezone petition.

Zaborowski, Karen, 5349 Genesee Street, spoke to the Town Board on the following matter:

1. Urged the Town Board to deny the Tops Markets rezone petition.

Gaske, Colleen, 27 Allen Street, spoke to the Town Board on the following matter:

1. Urged the Town Board to deny the Tops Markets rezone petition.

Palmeri, Sam, 5815 Genesee Street, spoke to the Town Board on the following matter:

1. Urged the Town Board to deny the Tops Markets rezone petition.

ADJOURNMENT:

ON MOTION OF COUNCILMAN KWAK, AND SECONDED BY THE ENTIRE TOWN BOARD
AND CARRIED, the meeting was adjourned at 10:30 P.M.

Signed Robert P. Thill
Robert P. Thill, Town Clerk